

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JANE DOE,

Plaintiff,

v.

JONATHAN REES, a/k/a GREG ELLIS,
a/k/a JONNY REES,

Defendant.

Case No.: 3:23-CV-1352 (TJM/ML)

**SUPPLEMENTAL
DECLARATION OF DAVID
LABKOWSKI IN OPPOSITION
TO DEFENDANT’S MOTION TO
SET ASIDE THE DEFAULT AND
STAY PROCEEDINGS**

DAVID LABKOWSKI hereby declares, pursuant to 28 U.S.C. § 1746:

1. I am a member of the Bar of this Court and the sole shareholder of Labkowski Law, P.A. I am co-counsel for Plaintiff, Jane Doe (“Plaintiff”), in this action.
2. I submit this Supplemental Declaration in opposition to Defendant’s motion to set aside the default and stay proceedings, ECF 82.
3. On December 30, 2024, Plaintiff filed an opposition to Defendant’s motion to set aside the default and stay proceedings, ECF 89.
4. As part of that filing, I submitted a Declaration, ECF 89-1, in which I stated, in relevant part: “Defendant was indicted in Chenango County, on nine counts[,]” *id.* ¶ 13 (citing ECF 89-4), and that “upon information and belief,” the Indictment “charges Rees with crimes committed against Plaintiff, arising out of Rees’s filing of a forged email in support of his unsuccessful domestic violence case against Plaintiff (which forms the basis for Plaintiff’s malicious prosecution claim in this action).” *Id.* ¶ 15 (citing ECF 89-4).
5. Since that Declaration was filed, the Indictment against Defendant was unsealed. The Indictment confirms our previous assertion that Defendant was indicted in connection with

crimes against Plaintiff, specifically arising from Rees's submission of a forged email in support of his unsuccessful domestic violence case against Plaintiff.

6. A copy of the unsealed Indictment is attached as Exhibit A.

7. Consistent with the Court's prior Order, ECF 13, Plaintiff's name is redacted throughout the Indictment.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on January 3, 2025

By: /s/ David Labkowski
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*Attorneys for Plaintiff,
Jane Doe*

EXHIBIT A

STATE OF NEW YORK

COUNTY OF CHENANGO

COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK,

-vs-

INDICTMENT

**JONATHON REES,
A.K.A. GREG ELLIS,**

DEFENDANT.

FIRST COUNT:

The Grand Jury of the County of Chenango by this Indictment accuses

JONATHON REES

of the crime of **OFFERING FALSE INSTRUMENT FOR FILING**, PURSUANT TO NEW YORK
STATE PENAL LAW SECTION 175.35(1), A CLASS E FELONY, committed as follows:

That on or about October 31, 2022, in Chenango County, State of New York, Defendant knew that a written instrument contained false information, and offered the written instrument to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, register or recorded in or otherwise become part of the records of such public office, public servant, public authority or public benefit corporation, with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state; **to wit:** Defendant filed a written instrument with the Chenango Family Court that he knew contained false information and he did so with intent to defraud the court to receive an order of protection against [REDACTED]

SECOND COUNT:

The Grand Jury of the County of Chenango by this Indictment further accuses **JONATHON REES** of the crime of **PERJURY IN THE THIRD DEGREE**, PURSUANT TO **NEW YORK STATE PENAL LAW SECTION 210.05, A CLASS A MISDEMEANOR**, committed as follows:

On or about October 31, 2022, at the Chenango Family Court, in Chenango County, State of New York, Defendant swore falsely: **to wit:** Defendant swore falsely in a Family Offense Petition and affixed his signature thereto, and above said signature was the written language, "I declare under penalty of perjury under the laws of the state of New York that the foregoing is true and correct. Executed on October 31, 2022 at Norwich, New York."

THIRD COUNT:

The Grand Jury of the County of Chenango by this Indictment further accuses **JONATHON REES** of the crime of **MAKING A PUNISHABLE FALSE WRITTEN STATEMENT**, PURSUANT TO **NEW YORK STATE PENAL LAW SECTION 210.45, A CLASS A MISDEMEANOR**, committed as follows:

On or about November 7, 2022, while at the State Police Barracks in the City of Norwich, Chenango County, State of New York, Defendant knowingly made a false written statement, which he did not believe to be true, in a written instrument bearing a legally authorized form notice to the effect that false statements made therein are punishable; **to wit:** Defendant signed a written deposition which he did not believe to be true, in a written instrument bearing the language, "in a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has

committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.”

FOURTH COUNT:

The Grand Jury of the County of Chenango by this Indictment further accuses **JONATHON REES** of the crime of **UNLAWFUL SURVEILLANCE IN THE SECOND DEGREE, PURSUANT TO NEW YORK STATE PENAL LAW SECTION 250.45(1), A CLASS E FELONY**, committed as follows:

At an unknown time, between December 2021 and March 2022, in Chenango County, State of New York, Defendant, for the purpose of degrading or abusing a person, used an imaging device to surreptitiously view, broadcast, or record the sexual or other intimate parts of another person at a place and time when such person had a reasonable expectation of privacy, without such person’s knowledge or consent; **to wit:** Defendant used an electronic web cam to surreptitiously record the sexual or intimate parts of [REDACTED] [REDACTED] without her consent for the purpose of degrading or abusing her, and at a time when she had a reasonable expectation of privacy.

FIFTH COUNT:

The Grand Jury of the County of Chenango by this Indictment further accuses **JONATHON REES** of the crime of **COERCION IN THE THIRD DEGREE, PURSUANT TO NEW YORK STATE PENAL LAW SECTION 135.60(3), A CLASS A MISDEMEANOR**, committed as follows:

On or about October 9, 2022, in Chenango County, State of New York, Defendant compelled another to engage in conduct which the other person had a right to abstain from

engaging in by means of instilling in the other person a fear that, if the demand is not complied with, the actor will engage in other conduct constituting a crime; **to wit:** Defendant compelled [REDACTED] to communicate with Defendant by threatening to post documents, images, audio, and videos, including an intimate sexual image he had captured of [REDACTED]

SIXTH COUNT:

The Grand Jury of the County of Chenango by this Indictment further accuses **JONATHON REES** of the crime of **COERCION IN THE THIRD DEGREE**, PURSUANT TO NEW YORK STATE PENAL LAW SECTION 135.60(5), A CLASS A MISDEMEANOR, committed as follows:

On October 9, 2022, in Chenango County, State of New York, Defendant compelled another to engage in conduct which the other person had a right to abstain from engaging in by means of instilling in the other person a fear that, if the demand is not complied with, the actor will expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; **to wit:** Defendant compelled [REDACTED] to communicate with Defendant by threatening to publicize documents, images, audio, and videos about [REDACTED] tending to subject her to hatred, contempt, or ridicule.

SEVENTH COUNT:

The Grand Jury of the County of Chenango by this Indictment further accuses **JONATHON REES** of the crime of **COERCION IN THE THIRD DEGREE**, PURSUANT TO

NEW YORK STATE PENAL LAW SECTION 135.60(9), A CLASS A MISDEMEANOR, committed as follows:

On October 9, 2022, in Chenango County, State of New York, Defendant compelled another to engage in conduct which the other person had a right to abstain from engaging in by means of instilling in the other person a fear that, if the demand is not complied with, the actor will perform any other act which would not in itself materially benefit the actor but which is calculated to harm another person materially with respect to his or her business, career, financial condition, reputation or personal relationships; **to wit:** Defendant compelled [REDACTED] to communicate with Defendant by threatening to post documents, images, audio, and videos to ruin [REDACTED] reputation harming her business.

EIGHTH COUNT:

The Grand Jury of the County of Chenango by this Indictment further accuses **JONATHON REES** of the crime of **AGGRAVATED HARASSMENT IN THE SECOND DEGREE, PURSUANT TO NEW YORK STATE PENAL LAW SECTION 240.30(1) (a), A CLASS A MISDEMEANOR,** committed as follows:

On or about October 9, 2022, in Chenango County, State of New York, Defendant communicated by computer or any other electronic means a threat to cause physical harm to, or unlawful harm to the property of, such person and Defendant knew or reasonably should have known that such communication would cause such person to reasonably fear harm to such person's physical safety or property; **to wit:** Defendant communicated by computer and threatened to ruin the reputation of [REDACTED] harming her business.

NINTH COUNT:

The Grand Jury of the County of Chenango by this Indictment further accuses **JONATHON REES** of the crime of **UNLAWFUL DISSEMINATION OF INTIMATE IMAGE,** **PURSUANT TO NEW YORK STATE PENAL LAW SECTION 245.15(1), A CLASS A MISDEMEANOR,** committed as follows:

That between and including the dates of October 9, 2022, and October 12, 2022, in Chenango County, State of New York, Defendant intended to cause harm to the emotional, financial, or physical welfare of another person, by intentionally disseminating a still image depicting such other person with one or more intimate parts exposed, and such person may reasonably be identified from the still image itself and Defendant reasonably should have known that the person depicted did not consent to such dissemination, including the dissemination of an image taken with the consent of the person depicted when such person had a reasonable expectation that the image would remain private, regardless of whether Defendant was present; **to wit:** Defendant disseminated to a third party a still image that depicted [REDACTED] nude with her bare breasts and pubic area exposed and did so with the intent to harm the emotional, financial, or physical welfare of [REDACTED] and Defendant acted without the consent of [REDACTED]

Contrary to the form of the statute in such cases made and provided, and against the peace of

THE PEOPLE OF THE STATE OF NEW YORK and their dignity.

THE PEOPLE HEREBY ANNOUNCE READY FOR TRIAL.


FOREPERSON OF GRAND JURY


SPECIAL PROSECUTOR OF CHENANGO COUNTY